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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 Brittany Woodman,

9 Plaintiff,

10 v.

11 Medicredit, Inc.,

12 Defendant.

13 Case No.: 2:22-cv-01210-JCM-BNW

14 **PLAINTIFF'S UNOPPOSED MOTION**
15 **TO AMEND THE SCHEDULING**
16 **ORDER AND FOR LEAVE TO FILE**
17 **AMENDED COMPLAINT**

18 Plaintiff Brittany Woodman (“Plaintiff” or “Ms. Woodman”) respectfully moves the
19 Court for an order amending the scheduling order and giving leave for Plaintiff to file an
Amended Complaint, and states the following in support thereof:

- 20 1. Plaintiff filed this lawsuit on July 27, 2022, alleging a single claim arising under the Fair
Debt Collection Practices Act (“FDCPA”)
- 21 2. The Court entered the Joint Proposed Discovery Plan and Scheduling Order on October
20, 2022. *See doc. 11.*
- 22 3. Pursuant to LR 26-1(b)(2), the deadline for filing motions to amend the pleadings was set
for December 5, 2022.
- 23 4. The parties have engaged in good-faith discovery throughout the past three months.
- 24 5. Plaintiff recently discovered voicemail recordings left by Defendant Medicredit, Inc.

1 which she believes would give rise to a separate lawsuit brought under the Telephone
2 Consumer Protection Act (“TCPA”).

3 6. The parties have conferred, and rather than waste judicial resources, client time, and
4 additional attorneys’ fees instituting another lawsuit, the parties believe it would be
5 advantageous to all involved to simply amend the current complaint to add the single
6 TCPA claim.

7 7. Very little additional discovery will be necessitated by the addition of a TCPA claim at
8 this stage, as the subject call recordings are related to the debt out of which the original
9 FDCPA claim arose.

10 8. The parties anticipate needing only a 60-day extension to all other pending deadlines to
11 compensate for the filing of the amended complaint and answer, and to conduct the
12 limited additional discovery necessitated by the addition of a single TCPA claim.

13 **I. LEGAL STANDARD**

14 A moving party must show good cause to modify a scheduling order. *See Fed. R. Civ. P.*
15 16(b)(4); *see also Zivkovic v. S. Cal. Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002).

16 **II. ARGUMENT**

17 Plaintiff asserts that good cause exists to amend the scheduling order to permit the filing
18 of an amended complaint and the extension of all other pending deadlines. Addition of the TCPA
19 claim here, as opposed to the filing of a separate lawsuit, would save substantial time and
20 resources for both parties, as well as for the Court. A separate lawsuit would necessitate the
21 issuance of summons, double the parties’ attorneys’ fees, and require two depositions of both
22 Plaintiff and Defendant’s Rule 30(b)(6) witness, when the same information could be obtained
23 through a single deposition of both.

1 **III. STATEMENT OF NON-OPPOSITION**

2 The undersigned has conferred with counsel for Defendant and has obtained Defendant's
3 leave to file this motion unopposed. Defendant would also prefer to save the expense and time
4 that a separate lawsuit would necessitate.

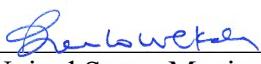
5 **IV. CONCLUSION**

6 For the foregoing reasons, Plaintiff respectfully moves the Court for an order amending
7 the scheduling order to extend all pending deadlines out 60-days and granting Plaintiff leave to
8 file an Amended Complaint to add a TCPA claim.

10 Date: February 17, 2023

11 */s/Michael Yancey III*
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20 *Brittany Woodman*

21 IT IS SO ORDERED:

22 
23 United States Magistrate Judge

24 DATED: February 21, 2023